IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.958 OF 2006

Mahalakshmi Dyeing and Printing
(I) Pvt. Ltd. ..Petitioner

Versus

M/s J.K.International & Ors. ..Respondents

Shri V.G.Parekh for the Petitioner.
Shri S.Vasudeo for Respondent No.1.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 20th FEBRUARY, 2006.

P.C. :

1. Heard Shri Parekh - learned Counsel appearing for the petitioner and Shri Vasudeo - learned Counsel appearing for the first respondent, on Notice.

2. This Petition under Article 227 of the Constitution of India, challenges an Award of the Arbitrage Tribunal dated 27th January, 2005.

3. Shri Parekh could not point out any provision which would enable this Court to take cognizance of the plea of the petitioner that the Award be set-aside. Petition is dismissed.

4. Admittedly, the Award not being challenged and execution proceedings taken out by respondent No.1, the petitioner has deposited the sum under the Award in the Executing Court without prejudice to his rights and contentions in Summary Suit No.12 of 2005. Shri Parekh seeks leave to take out such proceedings as are permissible in law in the pending Suit and till then he prays that the amount should not be withdrawn by the first respondent.

5. In my view, the blanket order of the nature claimed cannot be passed. However, with a view to enable the petitioner to take out appropriate proceedings, the Executing Court should not permit withdraws of the amount deposited by the petitioner for a period of two weeks from today.

6. All contentions including maintainability of such proceedings are expressly kept open.

(S.C.DHARMADHIKARI,J.)